

JUDGE ROAN'S LETTER

**TO BE USED IN
FRANK**

**PLEA FOR
CLEMENCY**

Lamented Jurist Said to
Have

Declared He Would
Appear

Before Prison
Commission

and Urge Mercy if He
Lived

PLAN TO GO BEFORE
PARDON BOARD AT
ONCE

Application for
Commutation

of Sentence Will Be
Made as

Soon as Necessary Papers Can Be Prepared

A letter from the late Judge L. S. Roan in which the lamented Jurist stated he would appear before the Prison Commission on behalf of Leo M. Frank if he lived until the Case reached that Body, will form a strong part of the plea of the Attorneys for Executive Clemency, it was reported on good Authority Tuesday.

While it is not known that the Petition for Clemency, which may be filed with the Prison Commission at any moment by Attorney Harry A. Alexander, will contain any reference to the letter of the deceased Jurist, the letter will be used before the hearing is over.

It is also said that Judge Roan before his death remarked to several people that if alive when the Case reached the Pardon Board, he would ask for Clemency for the Prisoner, who was convicted of murder before him, and about whose guilt he publicly expressed a doubt when he passed upon the motion for a new trial. It is likely that to the people to whom his remarks to this effect are said to have been made by the Judge will appear before the Commission.

JURORS NOT CHANGED.

While Frank's Attorneys at the hearing will be fortified with the expressed desire of the Judge that mercy be extended the prisoner, it is said the Petition will carry no request for mercy from any one of the twelve jurors, who passed on Frank's Case, as has been frequently the Case in other issues.

Attorney Harry Alexander, who is preparing the Petition to the Prison Commission, will not discuss the Case further than to State that the filing of the Paper is under consideration. It is generally said, however, that the petition may be filed at any moment, and it is regarded as unlikely that it will be delayed for more than 48 hours at the outside.

There is much speculation whether the same Attorneys who appeared in the Courts for Frank will represent him before the Prison Commission and the Governor. It is said new Attorneys well-known throughout the State will be before the Commission when the date for the hearing is reached, but there is no intimation as to their identity.

It is not known that any new evidence has been unearthed by the numerous investigators of the Frank Case, and barring the possibility of new evidence, the Frank Defense will depend largely on analysis of the evidence already presented, the Record of the Court trial.

ATTORNEY'S CLAIMS.

The Attorneys for Frank are expected to claim before the prison commission that the question of Frank's guilt or innocence has been passed upon only once, at the original trial, where they claim the Court was dominated by the mob spirit. The other hearings of the Case, they are expected to argue, dealt with the technicalities of the law, not with the issue of innocence or guilt. At the hearing before the Commission the scope of the Arguments of the Attorneys will not be so limited as before the various Courts in which the Case has been fought.

The rapidity with which the Frank Defense has moved since the United States Court announced its Decision upholding the Decisions of the lower Court, makes it more probable that the Case will reach Governor John M. Slaton, than it at first seemed. However, it is still not definitely known whether the Case will reach Governor Slaton or Governor Elect Harris, and many people familiar with the procedure in such Cases are still of the opinion

the necessary delays will bring the Case before the Governor-Elect.

That an effort to obtain a re-hearing of Frank's Case by the United States Supreme Court is out of the question and that the condemned man's last remaining hope lies in Executive Clemency, was definitely announced Tuesday morning, by his Attorneys.

Attorney Alexander said: "We will go before the State Prison Commission with an Application for Executive Clemency. The Application will be prepared as soon as possible without waiting for the mandate of the United States Supreme Court to be handed down to Judge Newman of the United States District Court. Under the law, thirty days must elapse before the mandate can be handed down. I know of no effort to obtain a re-hearing by the United States Supreme Court."

In spite of his defeat in the Court of last resort, in spite of the fact that Executive Clemency is his last remaining hope, Leo M. Frank still believes he will never hang.

"Truth and Justice will eventually prevail," he is quoted as saying. "My mind is still turned toward the future. I am still confident of exoneration and freedom. It is a long Road that knows no turning. The Road has gone as long as it possibly can. There is obliged to be a turning."

Mrs. Leo M. Frank was asked by The Journal Tuesday if there was anything she cared to say for publication. She replied that there was nothing.

There was much speculation Tuesday whether Solicitor General High Dorsey will appear before the Prison Commission to oppose the plea for Clemency.

Solicitor Dorsey, in the several years he has been in Office, has never yet appeared before the Prison Commission to oppose in person a plea for clemency from a Prisoner convicted in his Court.

Where a Prisoner Petitions for Clemency the Solicitor of the Court, where he

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was convicted, is always notified by the Prison Commission.

Many of these notices received by Mr. Dorsey have remained unanswered. In some Cases, he has written the Commission, saying that he would make no objection to a lightening of the sentence, but in others, he has written that the Offense was aggravated, and urged the Commission not to interfere with the Court's Order.

Mr. Dorsey was asked Tuesday if it is his intention to appear before the Commission. He declined to make any statement.

Attorney General Warren Grice, who was designated by Governor Slaton to act with Solicitor Dorsey in representing the State before the United States Supreme Court in opposition to Frank's Appeal, when asked if he had any comment to offer on that Court's Decision, said:

"I do not care to make any statement further than to say that my connection with the Case ends with the final action by the United States Supreme Court. The Report that I had conferred with Solicitor Dorsey relative to future action by the State and that I would go before the State Prison Board to oppose Frank's Petition for Executive Clemency is unfounded. I have performed the duties which the Governor designated me to perform."
